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ABSTRACT

This printout forms an annotated bibliography of publications on the Federal Chapter 1 Program for the education of disadvantaged children (mandated by the Education Consolidation Improvement Act of 1981 and its predecessors) from the ACCESS Clearinghouse of the National Committeee for Citizens in Education. ACCESS provides computerized information to parents and other citizens on a wide range of topics related to public education. The following types of information from ACCESS searches are included: (1) citations and annotations from books, reports, studies, and articles; (2) legal information on federal and state statutes and court rulings; and (3) information from national and local organizations with an interest in education. The 36 citations in this printout represent the following categories: (1) current legislation and appropriations; (2) legislative history; (3) parent involvement; (4) evaluation of Chapter 1 through reports, studies, and articles; (5) court decisions; and (6) vouchers and state Chapter 1 directors. Each citation includes the title, source, and summary of each publication; and most citations include ordering information. A list of eight national organizations concerned with Chapter 1 issues is provided, along with a 50-item list of state Chapter 1 directors.

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An ACCESS Printout

on

Chapter 1
Education of Disadvantaged Children

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ACCESS PRINTOUT

Chapter 1

Education of Disadvantaged Children

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Current Legislation and Appropriations

1 LA0222 Federal Legislation Authorizing Chapter 1

PROGRAM NAME:
Compensatory education for disadvantaged children.

LEGISLATIVE AUTHORITY:
Chapter 1, Education Consolidation and Improvement Act of 1981 (title V, subtitle D of the Omnibus Budget Reconciliation Act of 1981, P.L. 97-35).

PROGRAM DESCRIPTION:

Two major types of programs are authorized under Chapter 1 of the Education Consolidation and Improvement Act (ECIA): local education agency (LEA) programs and state agency programs. Most program funds are distributed under the LEA programs, with compensatory education services provided to educationally disadvantaged children attending both public and private schools. Funds are distributed to and within LEAs based primarily on the number of children from poverty families. However, within schools selected for program participation, the eligibility of children for Chapter 1 services is determined solely on the basis of educational disadvantage, not income.

The State agency programs provide funds to state agencies directly responsible for certain types of disadvantaged children: handicapped, migratory, and neglected or delinquent children. As with the LEA grant program, funds are used for compensatory education and related services for these specific groups of disadvantaged children served by state agencies.

1 AR0416 Federal Appropriations for Chapter 1 Programs

Appropriations for Chapter 1:

fy 1983	$3,200,394,000
fy 1984	3,480,000,000
fy 1985	3,688,163,000
fy 1986	3,688,200,000

Legislative History (1)

1 AR0482 Background of Title I/Chapter 1

SOURCE:

"From Title I to Chapter 1: The Evolution of Compensatory Education," by Virginia Plunkett, PHI DELTA KAPPAN, April 1985.

SUMMARY:

Reviews the history of federal support for compensatory education from the conception of Title I of the Elementary and Secondary Education Act of 1967 to its recasting as Chapter 1 of the Education Consolidation and Improvement Act of 1981. Analyzes the reasons behind the success of the federal effort.

2 LA0285 Legislative History of Chapter 1

SOURCE:

'STATE AND LOCAL RESPONSE TO CHAPTER 1 OF THE EDUCATION CONSOLIDATION AND IMPROVEMENT ACT, 1981, by Milbrey McLaughlin, Patrick Shields, and Dale Rezabek, Institute for Research on Educational Finance and Governance, Stanford University, Report No. 85-A6, April 1985.

SUMMARY:

Chapter 1 of ECIA replaces Title I of the Elementary and Secondary Education Act (ESEA) as the central federal program supporting compensatory education. Title I was considered the centerpiece of the Education Act of 1965 (P.L. 89-10); its stated purpose was to "provide financial assistance to local educational agencies serving areas with high concentrations of children from low-income families to expand their educational programs by various means...which contribute particularly to meeting the special educational needs of educationally deprived children."

Legislative History (2)

In its first years, Title I operated with very few regulations and minimum federal oversight. The "basic criteria" to guide the selection of eligible schools and students were not published until 1967. But the many technical requirements and regulations which were included in the amendments of 1970 and 1974 resulted in Title I's evolution into a "federally controlled categorical compensatory education program."

Many state and local educators, criticized the increased oversight and legislative specificity which marked the later years of Title I as overly prescriptive, burdensome, and counterproductive. Many administrators contended that it was simply impossible for the federal government to mandate specific program policies for 50 state agencies and 16,000 local school districts.

In 1981, the Reagan administration, committed to lessening the federal presence in all areas of state and local governmental action, responded to charges of over-regulation and replaced the 48 pages of Title I with 6 pages of Chapter 1 of the Education Consolidation and Improvement Act (ECIA). Chapter 1 substantially modified the prescriptive nature of Title I. In its Declaration of Policy, the new legislation stated that Congress intends, "to continue to provide financial assistance to state and local educational agencies to meet the special needs of educationally deprived children..., but to do so in a manner which will eliminate burdensome, unnecessary, and unproductive paperwork and free the schools of unnecessary Federal supervision, direction, and control."

Parent Involvement (1)

1 AR0218 Amendment to Chapter 1

SOURCE:

"Parent Involvement Amendments Signed Into Law, by Anne Henderson," NETWORK: The Paper for Parents, National Committee for Citizens in Education, Feburary 1984.

SUMMARY:

Prior to the enactment of P.L. 98-211 (amendments to ECIA), local school districts were required to establish Parent Advisory Councils to ensure parent involvement in Chapter 1 programs.

The amendment requires the school district to invite all parents of children in Chapter 1 to an annual meeting, to inform them about the program and their right to be consulted. This will provide an initial opportunity to meet school district officials and one another to communicate among themselves over the course of the year. The amendment also calls on local officials to provide future parent activities.

This is a very different approach from mandating parent advisory committees, one that recognizes that the form of consultation should be locally determined by parents and administrators, rather than federally prescribed. In the past, the lengthy and complicated legal requirements, in both the Title I law and regulations, often worked against parents, who were not as familiar with them as the administrators. The new language puts parents and administrators on more collegial terms. The Children's Defense Fund, the Federal Education Project, and the Chapter 1 Parents intend to monitor the effects of the change.

HOW TO ORDER:

Past issues of NETWORK are available from NCCE, 10840 Little Patuxent Parkway, Suite 301, Columbia, MD 21044 for $1.00 each.

Parent Involvement (2)

2 AR0413 History of Parental Involvement in Title I Programs

SOURCE:

From THE FIRST YEAR OF CHAPTER 1, A Comparison of State and Local Practices Under Title I of the Elementary & Secondary Education Act of 1965 and Chapter 1 of the Education Consolidation and Improvement Act of 1981, by the Federal Education Project of the Lawyers' Committee for Civil Rights Under Law, 1984.

SUMMARY:

The original Title I legislation sought to involve parents of participating children in the planning and operation of the program by requiring school districts to involve the local community action program established under Title II of the Economic Opportunity Act of 1964 in the development of Title I projects. This was not an effective approach in most places.

In 1970, direct parental involvement became part of the law. The Education Amendments of 1970 gave the Commissioner of Education the power to mandate parental participation in any federal education program if he believed it would improve the effectiveness of that program.

The 1971 regulations for the law required a school system-wide parent council having parents of Title I participants as a majority of its members. This council was to be involved in the planning, operation and evaluation of the funded programs. OE recommended, but did not require, school-level councils. The local district was obligated to provide needed information to the district-wide council, to establish a means of answering parents' questions, and to indicate parents' views of the planned program in the Title I application for funds sent to the state.

1974 amendments to Title I required both district and school-level Parent Advisory Councils (PACs). Again, each PAC had to have Title I parents as a majority of its membership. Both types of councils had a mandate to advise in the planning, implementation, and evaluation of Title I programs, and they were to be given access to Title I-related information. The regulations published in 1976 described membership selection, the role of the councils, and the information and training to be made available to them.

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Parent Involvement (3)

The 1978 Amendments and regulations published in 1981 continued the trend to require specific procedures for the composition of the councils, models for nominating and electing members, procedures for elections and prohibitions against restricting membership.

3 AR0483 Requirements for Parental Involvement in Chapter I Programs

SOURCE:

"An Open Letter to Parents on Title I/Chapter 1," NETWORK, February, 1984.

SUMMARY:

One of the broadest changes made in Title I in 1981 was the nearly wholesale elimination of parental involvement. District officials are merely required to consult, in some undefined way, with parents of participating children in designing and implementing their programs.

Section 556 (b)(3) of ECIA has required the LEAs to provide assurances that its Chapter 1 programs "are designed and implemented in consultation with parents and teachers" of the children being served. The Congress has added a new subsection 556 (e):

"(1) A local education agency shall convene annually a public meeting, to which all parents of eligible students shall be invited, to explain to parents the programs and activities provided with funds made available under this chapter, and

"(2) if parents desire further activities, the local education agency may, upon request, provide reasonable support of such activities."

This is a very different approach from mandating parent advisory committees, one that recognizes that the form of consultation should be locally determined by parents and administrators, rather than federally prescribed.

HOW TO ORDER:

Past issues of NETWORK are available from NCCE, 10840 Little Patuxent Parkway, Suite 301, Columbia, MD 21044 for $1.00 each.

Parent Involvement (4)

4 AR0555 Policies on Parental Input - Chapter 1

SOURCE:

"ED Says Schools Must Have Written Chapter 1 Policies on Parental Input," EDUCATION DAILY, May 16, 1986.

SUMMARY:

Districts receiving Chapter 1 money must develop written policies to ensure that parents have a say in developing programs for educationally disadvantaged children, say new Education Department regulations.

The rule requiring the written policies accompanies ED guidelines on how schools can enhance parental participation, such as creating parent advisory councils, and "less formal mechanisms such as reports to parent on their children's progress," individual parent-teacher conferences, and seeking parents' suggestions on how schools can work with them more effectively.

By law, agencies that get Chapter 1 funds must hold at least one public meeting each year for all parents of eligible children, to explain the program and solicit parent's suggestions. The new regulations, however, will be the first requirement that school districts have formal, written policies for parental involvement.

The new regulations take effect July 3. The regulations set no date by which districts must write their policies, however.

Parent Involvement (5)

5 LA0245 1986 Regulations on Parent Participation

SOURCE:

Secretary of Education William J. Bennett has issued regulations ensuring parents the opportunity for a larger role in planning and carrying out the education programs provided under Chapter 1 of the Education Consolidation and Improvement Act of 1981. These regulations are included in regulations implementing technical amendments to the Chapter 1 statute, and are published in the May 19, 1986, Federal Register.

SUMMARY:

Under one of the new parent involvement provisions, a local educational agency (LEA) operating a Chapter 1 project for educationally deprived children must develop written policies to ensure that parents of the children being served have an adequate opportunity to participate in the design and implementation of that project.

To assist the LEA in developing its policies, the regulations list several possible activities for each LEA's consideration. Those activities include, but are not limited to --

(1) Notifying each child's parents in a timely manner that the child has been selected to participate in Chapter 1 and why the child has been selected.

(2) Informing each child's parents of the specific instructional objectives for the child.

(3) Reporting to each child's parents on the child's progress.

(4) Establishing conferences between individual parents and teachers.

(5) Providing materials and suggestions to parents to help them promote the education of their children at home.

(6) Training parents to promote the education of their children at home.

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(7) Providing timely information concerning the Chapter 1 program including, for example, program plans and evaluations.

(8) Soliciting parents' suggestions in the planning, development, and operation of the program.

(9) Consulting with parents about how the school can work with parents to achieve the program's objectives.

(10) Providing timely responses to parents' recommendations.

(11) Facilitating volunteer or paid participation by parents in school activities.

(12) Designing LEA parent coordinators.

(13) Establishing parent advisory councils.

Another new regulatory provision implements the statutory requirement that agencies receiving Chapter 1 funds must convene annually at least one public meeting to which all parents of eligible children must be invited. The regulations indicate that the purposes of this meeting are to discuss with parents the programs and activities carried out with Chapter 1 funds, inform parents of their right to consult in the design and implementation of Chapter 1 projects, solicit parents' input, and provide parents an opportunity to establish mechanisms for maintaining ongoing communication among parents, teachers, and agency officials.

Evaluation: Reports and Studies (1)

1 BK0140 How to Monitor Chapter 1 Programs

SOURCE:

TITLE I .... CHAPTER 1 .... A MONITORING GUIDE, Children's Defense Fund, 1983, 92 pp. softcover.

SUMMARY:

This guide is designed to help parents and citizens become effective advocates for educationally disadvantaged children. By learning as much as possible about how Chapter 1 operates in your school district, you can find out whether or not the Chapter 1 law and funds are being used to improve the education of disadvantaged children in your community.

Guide suggests questions to ask, how to organize a monitoring project, how to use the information collected, and suggests a questionnaire to use for data gathering.

HOW TO ORDER:

May be obtained from the Children's Defense Fund, 122 C Street NW, Washington, DC 20001 for $5.50.

Evaluation: Reports and Studies (2)

2 BK0233 CDF Interim Report on Implementation of Chapter 1

SOURCE:

INTERIM REPORT ON THE IMPLEMENTATION OF CHAPTER 1, Children's Defense Fund, 1984.

SUMMARY:

Reports the results of monitoring survey of 48 state Chapter 1 directors, based on the first year implementation of Chapter 1. The survey discovered that:

* 790,00 fewer children were served by Chapter 1 in 1982-83 than were served by Title I in 1979-80, a three-year decline of 15 percent.

* High school, kindergarten, math, and summer school Chapter 1 programs were eliminated in 12 states.

* Parent involvement decreased dramatically in 25 states.

* Federal oversight, guidance, and techinacal assistance to states and school districts disappeared.

* State monitoring and guidance was drastically reduced in 25 states.

Part three of the report details the specific steps Congress can take to ensure that children eligible for Chapter 1 will receive the educational services they deserve.

HOW TO ORDER:

Available from the Children's Defense Fund, 122 C St., NW, Washington, D.C. 20001, for $4.75 plus $1.00 for postage and handling.

Evaluation: Reports and Studies (3)

3 BK0234 First Year of Chapter 1 - Lawyers' Committee

SOURCE:

THE FIRST YEAR OF CHAPTER 1: A Comparison of State and Local Practices under Title I of the Elementary & Secondary Education Act of 1965 and Chapter 1 of the Education Consolidation and Improvement Act of 1981, Lawyers' Committee for Civil Rights Under Law, 1984.

SUMMARY:

This report contains the findings from field research carried out in the 1982-83 school year in a sample of states and school districts to determine the extent of changed practices in the delivery of compensatory education services which resulted from the replacement of Title I by Chapter 1.

The major conclusion is that only modest changes took place during the first year of Chapter 1 programs. However, where changes did occur, they were almost uniformly in the direction of relaxing the categorical restrictions that had targeted the use of Title I resources for those children in the poorest areas of a school district, and for those children who were furthest behind in school achievement.

Other areas where change was evident were: (1) most states were reluctant to exercise the authority they possess to issue directives or regulations to local school districts, and (2) parent involvement had already been drastically reduced as a result of the removal of mandatory requirements from federal law.

HOW TO ORDER:

Available from the Federal Education Project, Lawyers' Committee for Civil Rights Under Law, 1400 Eye St., NW, Suite 400, Washington, D.C. 20005.

Evaluation: Reports and Studies (4)

4 BK0303 Study of Chapter 1 Programs

SOURCE:

REPORT ON CHANGES UNDER CHAPTER 1 OF THE EDUCATION CONSOLIDATION AND IMPROVEMENT ACT. Prepared for the Subcommittee on Elementary, Secondary, and Vocational Education of the Committee on Education and Labor. United State House of Representatives, 99th Congress, 1st Session, 1985, Serial No. 99-B.

SUMMARY:

This Congressional report focuses on how states are implementing the largest of the Federal elementary and secondary grant programs, Chapter 1 of the Education Consolidation and Improvement Act (ECIA). Much of the information provided in the report was derived from interviews with State Chapter 1 directors.

The report recommends against proposals to freeze Chapter 1; calls for increased Federal guidance; recommends funding efforts to improve program quality; and proposes strengthening Chapter 1's parent involvement provisions. Two appendices present the study questionnaire for State Chapter 1 directors and a list of interviews with the directors.

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Evaluation: Reports and Studies (5)

5 BK0311 State and Local Response to Chapter 1 - IFG Report

SOURCE:

STATE AND LOCAL RESPONSE TO CHAPTER 1 OF THE EDUCATION CONSOLIDATION AND IMPROVEMENT ACT, 1981, by Milbrey McLaughlin, Patrick Shields, and Dale Rezabek, Institute for Research on Educational Finance and Governance, Project Report No. 85-A6, April 1985.

SUMMARY:

This study examines the effects of the 1981 changes in legislation, from Title I to Chapter 1, on federal, state, and local administration of the program. The findings are based on interviews with federal education officials, and educators in eight states and 24 local educational agencies in those states.

Topics discussed include the federal role in Chapter 1, state administration, local program administration, evaluation, and parent involvement.

HOW TO ORDER:

Available from Publications, IFG, Seras Building 402, Stanford University, Stanford, California 94305, $5.00.

Evaluation: Articles (1)

1 AR0216 Research Findings on Title I/Chapter 1

SOURCE:

"The Sustaining Effects Study of Compensatory and Elementary Education," by Launor F. Carter, EDUCATIONAL RESEARCHER, Vol. 13, No. 7, August/September 1984.

SUMMARY:

This article reports on the largest and most definitive study yet done on Title I. It was conducted by the System Development Corporation (SDC) between 1975 and 1982, and studied 120,000 students over three school years.

This study found that Title I students made "significant gains," relative to other needy students, in math for grades 1 through 6. Title I students showed reading gains in grades 1 through 3, but not for grades 4, 5 and 6. For both reading and math, the largest gains are made in the first grade. The rate of gain for Title I students is at least equal to that of regular students, wheras the rate of gain for needy students who did not receive Title I is not as great as that of either Title I students or regular students. Title I is most effective with children who are only moderately disadvantaged. It does not seem to improve the relative achievement of the most disadvantaged part of the school population.

Compensatory Education is more effective in the lower grades than in the higher grades. No evidence could be found to support an "optimum" length of time for a student to receive compensatory education. During the first year students are promoted out of these programs, they continued to perform at their new, higher level, but by the time they reach junior high school, there is no evidence of either sustained or delayed effects.

Evaluation: Articles (2)

2 AR0410 CDF Study of Chapter 1 Programs

SOURCE:

"Chapter 1 Program in Serious Trouble, Defense Fund Says," EDUCATION DAILY, January 2, 1985.

SUMMARY:

The lack of clear federal guidelines and a severe cutback in local monitoring have thrown the $3.6 billion Chapter 1 program into "serious trouble," says a new report from the Children's Defense fund (CDF).

When the 16-year-old program became Chapter 1 of the Educational Consolidation and Improvement Act in 1981, states were given the primary responsiblilty for monitoring and guiding school districts. But since 1982, 25 states reduced or eliminated monitoring and technical assistance visits to school districts, the report says.

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3 AR0418 Study of Effectiveness of Chapter 1 Programs

SOURCE:

"Chapter 1 Programs Stymied by Lack of Funding, Guidance," EDUCATION DAILY, October 10, 1985.

SUMMARY:

Fewer disadvantaged students are benefiting from Chapter 1 programs now than four years ago, and those programs are less effective, concludes a new study. Reasons given for these conclusions are reductions in funding, lack of federal guidance on appropriate uses of funding, and relaxed requirements for parent participation. The study was prepared for the House Education and Labor Committee.

Evaluation: Articles (3)

4 AR0481 Cost-Analytic Approach to Chapter 1

SOURCE:

"A Cost-Analysic Approach to Determining Chapter 1 Program Impact: Some Preliminary Findings," by Kim Onn Yap. Paper presented at the Annual Meeting of the American Edcuational Research Association (Chicago, IL, March 31-April 4, 1985).

SUMMARY:

The paper reports an attempt to evaluate instructional practices in compensatory education by looking at both costs and effects associated with the practices. The study covered some 300 Chapter 1 projects over a three-year period, focusing on project settings and instructional approaches used in the projects. Results of the study indicated that the pull-out setting produced the highest achievement gains and the most favorable cost-effective ratio. A prescribed instructional system, supplemented by a miscellany of other materials, produced the highest achievement gains and the most favorable cost-effectiveness ratio. The cost information generated clearly provides a better basis for determining the relative worth of the various instructional settings and approaches used in compensatory education.

5 AR0529 Study Evaluating Chapter 1 Programs

SOURCE:

"Chapter 1 Programs Stymied by Lack of Funding, Guidance," EDUCATION DAILY, October 10, 1985.

SUMMARY:

This article discusses a new study on Chapter 1, prepared for the House Education and Labor Committee. The report says that the quality and effectiveness of Chapter 1 programs have been stymied by reductions in funding, a lack of federal guidance on appropriate uses of the funding and relaxed requirements for parent participation in Chapter 1 programs.

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Evaluation: Articles (3)

6 AR0530 Ways to Improve Chapter 1 Accountability

SOURCE:

"ED Task Force Recommends Ways to Improve Chapter 1 Accountability," REPORT ON EDUCATION OF THE DISADVANTAGED, June 6, 1986.

SUMMARY:

A task force, set up by the Education Department to examine whether abuses are occurring in the way states carry over their money from one year to the next, has concluded that state spending practices are for the most part in compliance with federal law, but there is room for improvement. Carrying over Chapter 1 funds is legitimate and specifically authorized for up to 27 months in order to provide a consistent level of continuity.

7 AR0533 School Administrators View on Chapter 1

SOURCE:

"Most School Administrators Satisfied with Chapter 1, Survey Shows," REPORT OF EDUCATION OF THE DISADVANTAGED, June 6, 1986.

SUMMARY:

A survey, conducted by the International Reading Association and the National Association of State Directors of Chapter 1, received responses from 3,000 local Chapter 1 administrators, representing nearly 20 percent of the nation's school districts. Most are satisfied with the present structure of the program and do not see the need for major change.

HOW TO ORDER:

Available from Richard Long, International Reading Association, Suite 321, 444 North Capitol Street, NW, Washington, DC 20001.

Evaluation: Articles (4)

8 AR0541 Most Deprived Students Not Served by Chapter 1

SOURCE:

"Chapter 1 Selection May Bypass the Most Deprived Students, Report Says," REPORT ON EDUCATION OF THE DISADVANTAGED, June 6, 1986.

SUMMARY:

A report, prepared for the Congress by the Education Department's Office of Educational Research and Improvement, concludes that the neediest students may not be receiving services from Chapter 1 programs. Some school districts may be serving students with the lowest achievement levels through other federal programs, such as special or bilingual education, thus allowing Chapter 1 funds to flow to higher achievers not served by other programs.

HOW TO ORDER:

Available from Information Services, Office of Educational Research and Improvement, 555 New Jersey Avenue, NW, Washington, DC 20208.

9 AR0543 ED Report Evaluating Chapter 1 Program

SOURCE:

"U.S. Remedial Aid Misses Neediest, E.D. Study Finds," EDUCATION WEEK, June 11, 1986.

SUMMARY:

A new Education Department report concludes that Chapter 1 serves many above-average students but fails to reach a significant number of disadvantaged pupils. Some of the reasons for this are:

1) Chapter 1 placement tests may be imprecise;
2) Most districts serve only a few grade levels;
3) Districts may help their lowest scoring students with bilingual or special-education assistance instead of Chapter 1.

This is the first of three reports on Chapter 1.

Evaluation: Articles (5)

10 AR0544 Report on State and Local Chapter 1 Programs

SOURCE:

"Inflation Taking a Bite Out of Chapter 1, Report Says," EDUCATION DAILY, August 27, 1986.

SUMMARY:

This article discusses a report on Chapter 1, compiled by the Institute for Research on Educational Finance and Governance at Stanford University, which found that some states are being forced to cut back and streamline Chapter 1 programs because allocations are not keeping up with inflation.

Of the eight states surveyed for the study, six reported that reductions in federal funds had resulted in service cutbacks.

HOW TO ORDER:

The report, "A State and Local Response to Chapter 1 of the Education Consolidation and Improvement Act, 1981," is available from Publications, IFG, Seras Building 402, Stanford University, Stanford, CA 94305, $5.00.

11 AR0545 Unspent Chapter 1 Funds

SOURCE:

"States Keep Millions in Unspent Chapter 1 Aid," NETWORK, Fall 1986.

SUMMARY:

An investigating team from the Miami (FL) NEWS has reported that a total of $474 million in Chapter 1 aid went unspent for the 1983-84 school year, enough to help an additional 723,000 children. The federal law allows states to carry over up to 15% of funds into the next year, but 26 states exceeded their limit.

Court Decisions (1)

AR0547 Review of Supreme Court Cases on Chapter 1

SOURCE:

"Review of Supreme Court Decisions Directly Affecting Educating," by Patricia Lines, FOOTNOTES, Fall 1985, Education Commission of the States.

SUMMARY:

A summary and analysis of 1985 Supreme Court rulings directly affecting education, including:

1) Grand Rapids School District v. Ball, 53 L.W. 5006 (1985) - Court ruling that the state cannot provide public school classes on private school premises.

2) Aguilar v. Felton, 53 L.W. 5013 (1986) - Title I money cannot be used to send teachers to private school premises.

3) Bennett v. Kentucky, 105 S.Ct. 1544 (1985); Bennett v. New Jersey, 105 S.Ct. 1555 (1985) - Two states must pay back Title I funds because funds had been misused.

LA0284 Summary of Aguilar v. Felton

SOURCE:

"Review of Supreme Court Decisions Deirectly Affecting Education," by Patricia M. Lines, FOOTNOTES, Fall 1985, Education Commission of the States.

SUMMARY OF AGUILAR v. FELTON:

Since 1966, New York City has used federal Title I funds to send public school teachers into nonpublic schools to provide supplemental instruction to children who are educationally deprived and who live in low-income areas. Title I (now Chapter 1) requires that all eligible children receive this instruction regardless of whether they attend public or nonpublic schools.

Court Decisions (2)

A little over 13% of the children eligible in New York City attended private schools; of these, 84% were in Roman Catholic schools and 8% were in Hebrew day schools. Religion played a key role in selection of students, teachers and in the operation of these schools. Public school personnel conducted remedial classes in reading, mathematics, English as a second language, and offered guidance services. The amount of time public employees spent on the private school premises depended on the number of students in the program.

The New York program was challenged as violative of the Establishment Clause of the First Amendment.

New York city monitored its programs routinely to ensure that the courses were devoid of religious content. Supervisors made at least one unannounced visit each month, and program coordinators also made occasional unannounced visits. Professionals in the program were instructed to avoid involvement with any on-site religious activities, and to minimize contact with private school staff. Public school personnel had sole responsibility for identifying students for the program, and all classrooms were free of religious symbols.

The Court, in an opinion prepared by Brennan, found that the monitoring ran afoul in the third prong of the three-part LEMON test -- entanglement:

"[T]he supervisory system established by the City of New York inevitably results in excessive entanglement of church and state, an Establishment Clause concern distinct from that addressed by the effects doctrine. Even where aid to parochial institutions does not have the primary effect of advancing religion, the provision of such aid may nonetheless violate the Establishment Clause owing to the nature of the interaction of church and state in the administration of that aid."

School districts receiving Title I funds remain obliged under federal law to serve eligible children in private schools, and must find a way to do so. Mobile classrooms, or providing instruction at public schools, appear to be the most likely solutions.

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Court Decisions (3)

LA0283 Summary of Grand Rapids School District v. Ball

SOURCE:

"Review of Supreme Court Decisions Directly Affecting Education," by Patricia M. Lines, FOOTNOTES, Fall 1985, Education Commission of the States.

SUMMARY:

GRAND RAPIDS SCHOOL DISTRICT v. BALL, 53 L.W. 5006 (1985).

Since the 1976-77 school term, the Grand Rapids, Michigan, school district sent public school teachers to classrooms located in nonpublic schools. The program, called Shared Time, included remedial and enrichment courses in mathematics, reading, art, music and physical education. All of the classes were in elementary schools, except for one remedial math course. Typically, the city's nonpublic school students would be in a Shared Time class once or twice a week. Nonpublic school administrators would select classrooms, which public school administrators would inspect. On approval, the public school would pay the nonpublic school a rental of $6 per classroom per week. Rooms had to be free of religious symbols or artifacts and had to be posted as a "public school classroom." The programs were officially open to public school students, but only nonpublic school students attended. Of 41 nonpublic schools participating in the programs, 40 were sectarian schools. In most, religious goals permeated their education program.

In an opinion prepared by Justice William J. Brennan, and endorsed by Justices Harry Blackman, Thurgood Marshall, Lewis Powell and John Paul Stevens, the Court followed the three-part LEMON test formulated in LEMON v. KURTZMAN, 403 U.S. 602 (1972):

-- The policy must have a secular purpose.

-- The primary effect of the policy must neither advance nor inhibit religion.

-- The policy must not foster excessive government entanglement with religion.

Court Decisions (4)

Examining the Grand Rapids programs for purpose, Brennan found both programs had a secular purpose. The programs fell on the second prong, as their effect was to advance religion:

"Given that 40 of the 41 schools in this case are...'pervasively sectarian,' the challenged public-school programs operating in the religious schools may impermissibly advance religion in three different ways. First, the teachers participating in the programs may become involved in intentionally or inadvertently inculcating particular religious tenets or beliefs. Second, the programs may provide a crucial symbolic link between government and religion, thereby enlisting -- at least in the eyes of impressionable youngsters -- the powers of government to the support of the religious denomination operating the school. Third, the programs may have the effect of directly promoting religion by impermissibly providing a subsidy to the primary religious mission of the institutions affected."

Grand Rapids argued that the benefits of its program flowed to the students, not to the private school, and should be upheld, on the same basis as textbook loans or transporation (both of which have been upheld). The district also maintained that the impact of this aid was minimized because the courses supplemented, rather than supplanted, the private school curriculum. Brennan dismissed both arguments, ruling that both direct (aid to schools) and indirect (aid to individuals) forms of aid will be stricken down if the EFFECT is the direct and substantial advancement of religion: "To let the genie out of the bottle in this case would be to permit ever-larger segments of the religious school curriculum to be turned over to the public school system, thus violating the cardinal principle that the State may not in effect become the prime supporter the religious school system."

Court Decisions (5)

AR0513 Court Rulings on Chapter 1

SOURCE:

"Supreme Court Rulings on Chapter 1 Leave Educators Confused, Concerned," EDUCATION DAILY, July 9, 1985.

SUMMARY:

Reports on the practical problems resulting from the Supreme Court rulings in AGUILAR v. FELTON and GRAND RAPIDS v. BALL which ban public school teachers from teaching in religious schools. Hundreds of school districts have sent public school teachers into private schools to provide remedial services under Chapter 1, primarily because it was the most cost-effective and convenient means of providing such instruction. The law requires that nonpublic school children receive services comparable to public school children. Now school districts will have to find new ways of meeting federal requirements while complying with the Supreme Court ruling.

AR0528 Use of Computers to Comply with Felton Decision

SOURCE:

"Schools Turn to Computers to Comply with Chapter 1 Court Ruling," EDUCATION DAILY, November 1, 1985.

SUMMARY:

This article reports on the use of a computer network to transmit lessons to Chapter 1 students in parochial schools in Fort Worth, Texas to comply with the Felton decision banning public school teachers from teaching on parochial school premises. Computers are also being used in Milwaukee and Grand Rapids, Michigan, for teaching Chapter 1 students in private schools.

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Court Decisions (6)

AR0479 Court Decisions on Chapter 1

SOURCE:

"Chapter 1 Decision Creates Turmoil; Threatens Chapter 2," NETWORK, October 1985.

SUMMARY:

Education decision makers have been thrown into a state of uncertainty by two recent U.S. Supreme Court decisions. Both disallow specific federally funded programs in parochial schools.

In AGUILAR V. FELTON, the Court said public school teachers could not be assigned to New York City parochial schools to teach remedial subjects. In GRAND RAPIDS V. BALL, the High Court said a time-share plan in which both public and private school teachers are paid with Chapter 1 funds for remedial and enrichment courses at local Catholic schools is also unconstitutional. Both plans, the Court said, advance the religious purposes of parochial schools.

The federally funded Chapter 1 program (formerly Title I) provides federal funds to schools in attendance areas with both large concentrations of low income families and children who do not achieve at grade level.

In theory, Chapter 1 money "follows the child," meaning eligible children may receive services whether they attend private, church or public schools. Practically speaking, the FELTON and GRAND RAPIDS decisions have placed stringent limits on the use of Chapter 1 funds in nonpublic schools and stimulated court challenges of other forms of federal aid to religious schools.

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Court Decisions (7)

4 AR0531 Implementation of Felton Decision

SOURCE:

"New York City Wins One-Year Stay of Chapter 1 Decision," EDUCATION DAILY, October 2, 1985.

SUMMARY:

The New York City Board of Education has been granted a one-year grace period in which to implement the U.S. Supreme Court's FELTON decision, which bars public school teachers from providing instruction on private school premises.

The stay was ordered until the start of the 1986 school year on the condition that the board file bi-monthly reports describing the city's progress toward conforming to the FELTON decision.

5 AR0546 Chapter 1 Class on Parochial School Grounds

SOURCE:

"ED Okays Some Chapter 1 Classes on Parochial School Grounds," REPORT ON EDUCATION OF THE DISADVANTAGED, June 20, 1986.

SUMMARY:

The Education Department has told school districts that, in some cases, they may use mobile vans to hold remedial Chapter 1 classes on religious school property. If other locations are unsafe, impracticable, or less convenient for the children to be served, mobile classrooms may be used, paid for by Chapter 1 funds. Also approved was the placement of computer equipment in parochial schools for use by Chapter 1 students.

Vouchers (1)

1 AR0542 Voucher Proposal for Chapter 1 Parents

SOURCE:

"Reagan Administration Proposes Voucher Option for Chapter 1 Parents," by Anne Henderson, NETWORK, February 1986.

SUMMARY:

The Equity and Choice Act (TEACH), introduced into Congress in Fall 1985, includes a proposal to give parents whose children ae eligible for Chapter 1 the option to receive a voucher worth about $600 and to redeem it at another public, private or parochial school. Parents could choose to leave their children in the existing Chapter 1 program or use the voucher to pay for tuition and/or compensatory educational services at a private school or another public school.

2 AR0548 Hatch Introduces Chapter 1 Voucher Plan

SOURCE:

"Hatch Introduces ED's Chapter 1 Voucher Plan," EDUCATION DAILY, November 22, 1985.

SUMMARY:

The Equity and Choice Act (TEACH) was introduced in the Senate and House of Representatives. This proposal would award to parents of children eligible for Chapter 1 a voucher equal in value to Chapter 1 remedial services. The voucher could then be redeemed at the public, private or parochial school of the parents' choice.

3 AR0549 Chapter 1 Voucher Plan and Minority Parents

SOURCE:

"ED Appeals to Minority Parents to Support Chapter 1 Voucher Plan," EDUCATION DAILY, December 2, 1985.

SUMMARY:

Reports on a meeting hald with Washington, D.C. minority parents by Education Department officials. ED Undersecretary Gary Bauer appealed to the parents to support the TEACH proposal which would provide vouchers to parents of Chapter 1 children which could be used in private schools.

4 AR0550 Views on Voucher Plan

SOURCE:

"Chief State School Officers Unanimously Oppose Bennett's Voucher Plan," and "Chiefs Sound Off on Voucher Plan," EDUCATION DAILY, November 19, 1985.

SUMMARY:

The 49 chief state school officers, at their annual meeting at Lala Buena Vista, Florida, all expressed opposition to ED's Equity and Choice Act which proposes vouchers for Chapter 1 parents. Some of the arguments against the TEACH bill were that freedom of religious schools would be compromised, no choice of schools available to students in rural areas, and that public schools would be undermined.

Vouchers (3)

5 AR0551 Hearing on Chapter 1 Voucher Bill

SOURCE:

"Bennett Faces Firing Line on Chapter 1 Voucher Bill," EDUCATION DAILY, February 27, 1986.

SUMMARY:

A report of the four-hour hearing on The Equity and Choice Act (TEACH) before the House Elementary, Secondary and Vocational Education Subcommittee. Education Secretary William Bennett argued that the proposal to award vouchers (worth about $600) to parents whose children are eligible for Chapter 1 services would provide more options for less privileged children. Some members of the Subcommittee questioned whether the vouchers would offer a "meaningful choice."

6 BK0309 Voucher Plan: Problems, Questions, Concerns

SOURCE:

PROBLEMS WITH THE ADMINISTRATION'S VOUCHER PROPOSAL FOR CHAPTER 1, Prepared for the Subcommittee on Elementary, Secondary, and Vocational Education of the Committee on Education and Labor, Serial No. 99-L, January 1966.

SUMMARY:

A brief discussion of problems, questions, and concerns related to the Chapter 1 "voucher" proposal. Topics include the impact of the "voucher" proposal on public schools, the effect on poor parents, how Chapter 1 would be affected, and problems with administering such a plan.

HOW TO ORDER:

Available from U.S. Government Printing Office, Washington, DC.

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236 Massachusetts Avenue, NE
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Washington, DC 20002
(202) 546-5300

Chapter 1 Technical Assistance Center
1825 I Street, NW
Suite 475
Washington, DC 20006
(202) 755-8106

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122 C Street, NW
Washington, DC 20001
(202) 483-1470

Coalition on Block Grants and
Human Needs
1000 Wisconsin Avenue, NW
Washington, DC 20007
(202) 342-0726

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Rights Under Law
1400 Eye Street, NW
Suite 400
Washington, DC 20005
(202) 371-1212

National Association of State
Chapter 1 Coordinators
120 E 10th Street
Topeka, KS 66612
(913) 296-3161

National Committee for Citizens in Education
10840 Little Patuxent Parkway, Suite 301
Columbia, MD 21044
(800)NET-WORK; (301)997-9300

The National Parent Center
National Coalition of ESEA
Title I/ Chapter 1 Parents
1314 14th Street, NW
Suite 6
Washington, DC 20005
(202) 483-8822

State Chapter 1 Directors (1)

Mr. Ed Obie
Chapter 1
State Department of Education
Pouch F--State Office Bldg.
Juneau, AK 99811
(907) 465-2824

Ms. Elizabeth R Gaston
Chapter 1, ECIA
Department of Education
Arch Ford Education Building
Little Rock, AR 72201
(501) 371-1186

Ms. Hannah T. Walker
Compensatory Education Office
State Department of Education
721 Capitol Mall (5th Floor)
Sacramento, CA 95814
(916) 445-2590

Dr. Diane M. Whitelaw
State Chapter 1
State Department of Education
P.O. Box 2219
Hartford, CT 06145
(203) 566-7591

Dr. William T. Corkle
ECIA Chapter 1 (Prgm Dvlpmnt)
State Dept. of Public Instrctn
The Townsend Bldg, P.O.Box1402
Dover, DE 19903
(302) 736-4667

Mr. Billy Tidwell
Compensatory Education
State Department of Education
1962 Twin Towers E, Capitol Sq
Atlanta, GA 30334
(404) 656-2436

Dr. Oliver T. Himley
Chapter 1, ECIA
Dept. of Public Instruction
Grimes State Office Bldg.
Des Moines, IA 50319
(515) 281-3813

Mr. Robert H. Hardy, Jr.
Compensatory Education
Illinois State Board of Ed.
100 North First Street(E-228)
Springfield, IL 62777
(217) 782-5534

Mr. Joseph Kelley
Federal Admin. Services
State Dept. of Education
State Office Bldg., Room 406
Montgomery, AL 36130
(205) 261-5145

Dr. Donald R. Kearns
Chapter 1, ECIA
State Department of Education
1535 West Jefferson
Phoenix, AZ 85007
(602) 255-5235

Ms. Virginia R. Plunkett
ECIA Chapter 1
Dept of Ed,First Western Plaza
303 West Colfax Ave.
Denver, CO 80204
(303) 573-3240

Mrs. S. Frances Watts-Henry
Dept. for Grants Admin.
Public Schools of D.C.
415 12th Street, N.W.
Washington, DC 20004
(202) 724-4235

Dr. Ulysses G. Horne, Jr.
Compensatory Education
Department of Education
Knott Building (33-L, Collins)
Tallahassee, FL 32301
(904) 487-3517

Mr. Stafford Nagatani
Planning and Evaluation Branch
State Department of Education
3430 Leahi Ave.
Honolulu, HI 96815
8-808-737-8758

Mr. Patrick LeCertua
Compensatory Education
State Dept. of Education
Len B. Jordan Office Bldg.
Boise, ID 83720
(208) 334-2196

Mrs. Marcella J Taylor
Compensatory Education
State Dept. of Education
Room 229, State House
Indianapolis, IN 46204
(317) 927-0318

State Chapter 1 Directors (2)

Mr. Kenneth A. Gentry
St/Fed Programs Administration
State Dept. of Education
120 East 10th Street
Topeka, KS 66612
(913) 296-3161

Mr. James E. Green
ECIA, Chapter 1
State Dept. of Education
P.O. Box 44064
Baton Rouge, LA 70804
(504) 342-3336

Mr. Donald D. Christie
Chapter 1, ECIA
Dept of Ed & Cultural Services
State House Station 23
Augusta, ME 04333
(207) 289-5306 or 5312

Mr. Jack Hanson
Chapter 1, ECIA
State Department of Education
Capitol Square, 550 Cedar St.
St. Paul, MN 55101
(612) 296-2181

Mr. Sam B. Parker
Chapter 1, ECIA
State Department of Education
P.O. Box 771
Jackson, MS 39205
(601) 359-3498

Mr. Robert J. Marley
Compensatory Education
State Dept. Public Instruction
Raleigh, NC 27611
(919) 733-7665

Dr. Elizabeth Alfred
ECIA, Chapters 1,2 & Migrant
Nebraska State of Education
Box94987,301 Centennial Mall S
Lincoln, NE 68509
(402) 471-2481

Dr. Sylvia Roberts
Compensatory/Bilingual Ed.
State Dept. of Education
225 West State Street
Trenton, NJ 08625
(609) 292-8360

Mr. Bill Arensdorf
Basic Education
Nevada Department of Education
400 W. King St, Capitol Complx
Carson City, NV 89710
(702) 885-3136

Ms. Joanne C. Brooks
Compensatory Education
State Dept. of Education
Capital Plaza Tower, Room 1711
Frankfort, KY 40601
(502) 564-3301

Dr. George L. Smith
Ch. 1, State Compensatory Ed.
State Dept. of Education
200 West Baltimore Street
Baltimore, MD 21201
(301) 659-2400

Mr. Jack Baptista
Compensatory Education
State Department of Education
P.O. Box 30008
Lansing, MI 48909
(517) 373-3666

Mr. Don D. Snyder
Chapter 1, ECIA
Dept. of Elem. & Scndry Ed.
P.O. Box 480
Jefferson City, MO 65102
(314) 751-2643

Mr. Jay R. McCallum
ECIA Chapter 1
Office of Public Instruction
State Capitol
Helena, MT 59620
(406) 444-5443

Ms. Ethel Lowry
Chapter 1, ECIA
Dept. of Public Instruction
State Capitol Building
Bismarck, ND 58505
(701) 224-4564

Mr. Richard B. Hodges, Jr.
Chapter 1, ECIA
State Dept. of Education
101 Pleasant Street
Concord, NH 03301
(603) 271-2717

Mr. Gilbert Martinez
Chapter 1, ECIA
State Department of Education
Santa Fe, NM 87501
(505) 827-6532

Mr. Richard A. Bove
Education Opportunity Programs
State Dept. of Education
Room 878, Education Bldg Annex
Albany, NY 12234
(518) 474-6109

State Chapter 1 Directors (3)

Mr. Arlie E. Cox
Division of Federal Assistance
State Dept. of Education
933 High Street
Worthington, OH 43085
(614) 466-4161

Arnie Leppert
Chapter 1, ECIA
State Department of Education
700 Pringle Parkway, SE
Salem, OR 97310
(503) 378-3606

Loret Gandara
Compensatory Education
State Department of Education
22 Hayes Street
Providence, RI 02908
(401) 277-2681

Mr. Dennis Gibbs
Chapter 1, ECIA, DESE
Richard F. Kneip Building
700 N. Illinois Street
Pierre, SD 57501
(605) 773-3218

Mr. Jim Wilson
Compensory Education
Texas Education Agency
201 East Eleventh Street
Austin, TX 78701
(512) 834-4345

Mr. Charles L. Conyers
ECIA Chapter 1
State Department of Education
P.O. Box 60
Richmond, VA 23216
(804) 225-2066,2902,2910

Ms. Judi Billings
Chapter 1, Special Services
Office of the Superintendent
7510 Armstrong Rd, S.W., FG-11
Tumwater, WA 98504
(206) 753-3220

Mr. David Purdy
Compensatory Education
State Department of Education
Building No. 6, Room 252
Charleston, WV 25305
(304) 348-2702, or 3368

Mr. Frank Hobbs
Compensatory Education
State Department of Education
2500 North Lincoln Blvd.
Oklahoma City, OK 73105
(405) 521-2846

Mr. William M. Dallam
Compensatory Education
State Department of Education
333 Market Street,P.O. Box 911
Harrisburg, PA 17108
(717) 783-9164

Mr. Garlin A. Hicks
Office of Federal Programs
Rutledge Office Building,Rm201
1429 Senate Street
Columbia, SC 29201
(803) 758-3471

Mr. Chester Hill
Federal Program Services
State Department of Education
1150 Menzler Road
Nashville, TN 37201
(615) 741-0628

Dr. Jay K. Donaldson
Chapter 1, ECIA
State Office of Education
250 East 500 South Street
Salt Lake City, UT 84111
(801) 533-6092

Mr. Robert McNamara
Compensatory Education
State Department of Education
State Office Building
Montpelier, VT 05602
(802) 828-2753

Dr. Myrna M. Toney
Special Needs Section
125 South Webster Street
Box 7841
Madison, WI 53707
(608) 266-2690

Jerry W. Lewis
Chapter 1
State Department of Education
Hathaway Building
Cheyenne, WY 82002
(307) 777-6225

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